

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

LISA R. BAMBURG,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
Commissioner of the Social
Security Administration,**

Defendant.

Case No. CIV-10-396-SPS


OPINION AND ORDER

The claimant Lisa R. Bamburg sought judicial review of the decision by the Commissioner of the Social Security Administration (“Commissioner”) denying benefits pursuant to 42 U.S.C. § 405(g). The claimant argued that the Administrative Law Judge (“ALJ”) erred by: (i) failing to consider her arthritis of the lumbar spine in whether she is able to perform the exertional demands of her past relevant work; (ii) concluding that she could perform light work; (iii) failing to properly consider medical opinions as to her mental impairments, and mischaracterizing the agency physician's opinion; and (iv) failing to properly assess the claimant’s credibility.

After the claimant filed his appellate brief, the Commissioner moved to remand the case to the ALJ for rehearing in order to obtain a new decision that would include a specific credibility assessment. The claimant does not object to the Commissioner’s Motion to Remand [Docket No. 20], and further requests that the Commissioner be ordered to consider the other alleged errors on remand. The Commissioner’s motion is therefore GRANTED.

Accordingly, the Court finds that the decision of the Commissioner is unsupported by substantial evidence and is therefore REVERSED pursuant to the fourth sentence of 42 U.S.C. § 405(g). The case is hereby REMANDED to the ALJ for rehearing and a new administrative decision that properly assesses the claimant's credibility, and such other evidence as the Commissioner finds appropriate. The claimant is the prevailing party in this action and the Court will therefore render a separate judgment in her favor pursuant to Fed. R. Civ. P. 58(b)(2)(B).

DATED this 28th day of June, 2011.



Steven P. Shreder
United States Magistrate Judge
Eastern District of Oklahoma